

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

ACCENT DELIGHT INTERNATIONAL  
LTD. and XITRANS FINANCE LTD.,

Plaintiffs,

-against-

SOTHEBY'S and SOTHEBY'S, INC.,

Defendants.

18-CV-9011 (JMF)

~~[PROPOSED]~~  
SUPPLEMENTAL ORDER

JESSE M. FURMAN, United States District Judge:

**WHEREAS**, on January 3, 2020, this Court signed a letter of request for international judicial assistance from the appropriate judicial authority in Switzerland to obtain evidence from Jean-Marc Peretti for use in this action pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “Peretti Letter of Request”), *see* ECF No. 138;

**WHEREAS**, on June 5, 2020, the Tribunal de Première Instance de Genève (the “Tribunal”) issued an order giving effect to the Peretti Letter of Request, *see* ECF No. 236;

**WHEREAS**, on October 5, 2021, the Tribunal issued an order scheduling a hearing for January 17, 2022 to take the requested testimony from Mr. Peretti, *see* ECF No. 362-3;

**WHEREAS**, on January 20, 2022, the Tribunal issued an order explaining that the hearing scheduled for January 17, 2022 had been cancelled because Mr. Peretti had informed the Tribunal that he would not attend the hearing due to health issues, *see* ECF No. 379-1; and

**WHEREAS**, in the same order the Tribunal stated that it was prepared to reschedule the hearing for May 2 and 6, 2022, should this Court maintain its request, and invited this Court to

inform the Tribunal by February 18, 2022 as to what further steps, if any, should be taken in connection with the Court's request, *see id.*;

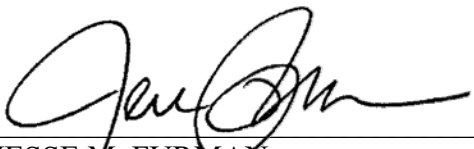
**NOW, THEREFORE**, this Court renews its request that the parties be allowed to obtain the relevant testimony from Mr. Peretti and respectfully requests that the Tribunal take the following steps if the Tribunal determines that these steps are appropriate under Swiss law:

- (1) proceed with enforcing the Peretti Letter of Request; and
- (2) order Mr. Peretti to provide testimony under oath at a hearing to be scheduled on May 2 and 6, 2022, or as soon thereafter as is possible.

The Court expresses its appreciation for the assistance and courtesy of the Tribunal in this matter.

SO ORDERED.

Dated: February 7, 2022  
New York, New York

  
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JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE